

Message

From: McKenna, Elizabeth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=859179A8CB0547BC974DC0241E973D37-MCKENNA, ELIZABETH]
Sent: 1/13/2015 11:56:32 PM
To: Hough, Palmer [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=51cd0b0d81ac416fa265944d6e6575ce-PHough]; Steiner-Riley, Cara [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bef7d04f2e64e4b8b90235a30cc7109-Steiner-Riley, Cara]; Palomaki, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=51778d942f2741f8885a8180ec2d6036-Palomaki, A]; Srinivasan, Gautam [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d69332838210416ba51779b19025f832-GSRINIVA]; Nalven, Heidi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0b698043b7ee461198a73177935098d4-HNalven]; Frithsen, Jeff [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e3743bd6f3c345baaae407c1d6f78e92-FRITHSEN, JEFF]; Parkin, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4958196c666e4228adc4b103d07f4166-Parkin, Richard]; Young, Margo [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c6e176d7338d4eb6a81d71d4db6475ab-Young, Margo]; Brown, Leah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b8e396f718a74d0bb01f1e35b7319572-Rindner, Le]
Subject: RE: Two quick clarification/follow-up questions....

Looks good to me. One small typo in the Answer to (1). Need to add "er" after support in the following sentence: "As you know, PLP and other supporters of the mine as well as opponents of the mine requested to meet with us throughout the development process."

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From: Hough, Palmer
Sent: Tuesday, January 13, 2015 1:42 PM
To: Steiner-Riley, Cara; McKenna, Elizabeth; Palomaki, Ashley; Srinivasan, Gautam; Nalven, Heidi; Frithsen, Jeff; Parkin, Richard; Young, Margo; Brown, Leah
Subject: Fw: Two quick clarification/follow-up questions....

Folks:

Randy has sent me two follow up questions (deadline is tomorrow). See my attached draft responses and let me know if you have edits for accuracy or completeness. I thought our initial responses to these questions were clear so I'm a little puzzled by the follow-up questions.

Thanks, Palmer

From: Holthaus, Randy
Sent: Tuesday, January 13, 2015 12:16 PM
To: Hough, Palmer

Cc: Parkin, Richard; Frithsen, Jeff

Subject: Two quick clarification/follow-up questions....

Palmer,

Can you please confirm if I understand your answer from January 9? Our takeaway from reading the responses is that from February 2011 to January 2014 (the time the BBA was being developed) EPA accepted, reviewed and considered all relevant and scientific and technical information you all received, inside or outside of public comment periods. Public comments that were submitted during the formal comment periods however were formally responded to.

- (1) **Is that correct, that EPA accepted, reviewed and considered any relevant information it received from either "side" during that time period, inside or outside of comment periods?**
- (2) **Also, is it accurate to say based on your initial response that while you may have considered all relevant information during that time period, even if you received it outside of formal comment periods, you only responded to or had to respond to comments that you received within the formal comment periods?**

Please answer the two questions above as soon as possible please, but by tomorrow at the latest. Appreciate it.

Thanks,
Randy

From: Hough, Palmer

Sent: Friday, January 09, 2015 1:48 PM

To: Holthaus, Randy; Parkin, Richard; Frithsen, Jeff

Cc: Steiner-Riley, Cara; Gilbride, Patrick; Stolz, Luke; Barnes-Weaver, Erin; Curley, Ganesa; Steiner-Riley, Cara; Young, Margo

Subject: RE: OIG follow-up questions re: comments on BBWA (DUE DATE: 1-8-2015)

Randy:

Please find below the responses to the set of questions you sent to me, Rick, and Jeff on 12/19/14. Please let us know if you have any questions.

Thanks, Palmer

From: Holthaus, Randy

Sent: Friday, December 19, 2014 3:46 PM

To: Parkin, Richard; Hough, Palmer; Frithsen, Jeff

Cc: Steiner-Riley, Cara; Gilbride, Patrick; Stolz, Luke; Barnes-Weaver, Erin; Curley, Ganesa

Subject: OIG follow-up questions re: comments on BBWA (DUE DATE: 1-8-2015)

We have some additional follow-up questions. **Please email us your responses no later than January 8, 2015.** Thanks.

1. In a call with Cara Steiner-Riley and Rick Parkin on 12/02/13, Randy Bailey offered to share his concerns on the second external review draft either by meeting or in writing. Did you ever meet with Mr. Bailey after that about his concerns? If no, why not? If yes, what was the nature of your meeting (phone call, in person) and what was discussed?

Do you tell him that that you would not review any of his comments outside the formal comment period?

[Author: Rick Parkin] We did not meet with Mr. Bailey after that call, though we offered to meet with him. We did listen to Mr. Bailey's concerns during the call. He told us several times that he did not work for PLP though he said he had contracted for them in the past. He also offered to be a contractor for EPA. His primary concern was that he thought we did not review and use the fish (e.g., fish distribution and abundance information) and other related information in the Pebble Environmental Baseline Document (EBD). He became quite agitated and repeatedly claimed we did not. I explained to Mr. Bailey that I spent many hours reviewing the EBD as did the scientists who authored the Bristol Bay Assessment (BBA). I pointed out that we used the information that we could use as evidenced by many citations in the BBA. I explained to Mr. Bailey that I was concerned about the QA/QC of the EBD fish information. I had searched through the QA related documents in the EBD (Field Sampling Plans, QAPPs and the Consolidated Study Program) to try to understand how the studies were conducted and how the data was evaluated. Only the Consolidated Studies Program even mentions the "Fish Distribution and Abundance" studies and it was written in 2011, three years after the studies were completed. In response to these concerns of mine, Mr. Bailey said, "I don't care about Quality Assurance." We did tell Mr. Bailey we would meet with him, but he did not ask to have a meeting once we had the call. We also told him that we would consider his comments. I may have confused this point because I was unsure that we could utilize information provided outside the comment period, but Cara Steiner-Riley confirmed that we could and called Mr. Bailey back to assure him of that.

It is also important to note that, as a PLP contractor, Bailey provided extensive written comments on both the 2012 and 2013 draft Bristol Bay Assessments to PLP and PLP incorporated Bailey's comments into its submissions to EPA in 2012 and 2013. In 2014, Bailey continued to be a contractor to PLP providing extensive written comments to PLP regarding EPA's 404(c) Review. Again PLP incorporated Bailey's comments into its submissions to EPA in April and again in September 2014.

2. After the close of the comment period on the first draft, Earthworks emailed the EPA on 10/25/12 with the subject "two presentation[s] that might be of use in Pebble analysis." Based on what we know, Palmer Hough forwarded those reports to several Bristol Bay Watershed Assessment authors stating "These are interesting presentations. Can you share them with the right folks on the team." Is that correct? Further, on 12/21/12, some Bristol Bay Watershed Assessment authors received the Alaska Conservation Foundation's reports on their review of peer reviews of the first draft Bristol Bay Watershed Assessment. Is that correct?

The answer to both questions is yes, EPA reviewed and considered all relevant scientific and technical information it received during the development of the BBA (approximately February 2011 to January 2014).

3. Did the EPA accept comments from anti-mine groups outside of formal Bristol Bay Watershed Assessment comment periods? If yes, why were comments accepted outside of the comment period, and what types of comments were accepted and from whom?

EPA reviewed and considered all relevant scientific and technical information it received during the development of the BBA (approximately February 2011 to January 2014) regardless of whether the information came from groups that supported or opposed development of a mine. Public comments submitted during the formal comment periods for the 2012 and 2013 draft BBAs were formally responded to in the 648-page response to public comments document for the 2012 draft BBA and the 585-page response to public comments document for the 2013 draft BBA.

- a. For Response to Public Comments on the May 2012 draft BBA see:
<http://www.epa.gov/ncea/pdfs/bristolbay/EPAs%20Response%20to%20Public%20Comments%201stERD%20May2012.pdf>
- b. For Response to Public Comments on the April 2013 draft BBA see:
<http://www.epa.gov/ncea/pdfs/bristolbay/EPAs%20Response%20to%20Public%20Comments%202ndERD%20Apr2013.pdf>

4. Did the EPA accept comments outside the formal Bristol Bay Watershed Assessment comment periods from proponents of the mine or those wanting to let the NEPA process play out? If yes, why were comments accepted outside of the comment period, and what types of comments were accepted and from whom?

See response to #3

Thanks,
Randy

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phone: 214-665-6620